

Applicant: David A. Esposito  
Application No.: 10/672,590

### Remarks

#### *Status*

Claims 1-16 were pending in the application and the Examiner rejected all of the pending claims for the reasons defined in the Office Action and summarized below. While the Applicant believes that claims 1-16 are definite, complete and patentable over the cited references, in order to expedite prosecution the Applicant has canceled claims 1-16 without prejudice or disclaimer to the subject matter contained therein and claims 17-36 have been added. Claims 17, 28 and 33 are the independent claims.

#### *Discussion*

The Examiner rejected claims 1-7 under 35 U.S.C. §112, second paragraph as being indefinite and being incomplete. In order to expedite prosecution, the Applicant cancelled claims 1-7 without prejudice or disclaimer to the subject matter contained and added claims 17-36. The Applicant respectfully submits that claims 17-36 are definite and complete and that the rejection is not applicable to these claims.

The Examiner rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by *Morton (U.S.P. 6,224,057)*. The Examiner rejected claims 5, 6 and 15 under 35 U.S.C. §103(a) unpatentable over *Morton*. The Examiner rejected claims 5, 6 and 15 under 35 U.S.C. §103(a) unpatentable over *Morton* in view of

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*Morris (U.S.P 6,019,370)*. In order to expedite prosecution, the Applicant cancelled claims 1-7 without prejudice or disclaimer to the subject matter contained and added claims 17-36. The Applicant respectfully submits that claims 17-36 are patentable over the cited references for at least the reasons summarized below.

Independent claim 17 is directed to a game for encouraging players to interactively communicate with one another. The game includes a plurality of hypothetical real-life scenarios. The scenarios do not have definitive answers but are used to provoke one's thoughts and principles. A path from a start to a finish point is provided and players traverse the path as they play the game. The players take turns being a player-in turn. For each turn the player in-turn is provided with a hypothetical real life scenario, analyzes the real life scenario, and provides a response that describes what they believe should be done in response to the scenario. At least one of the other players score the response.

It is submitted that none of the cited references disclose or suggest an embodiment such as that defined in claim 17. For example, none of the references disclose or suggest hypothetical real-life scenarios that do not have definitive answers, the player in-turn providing a response as to what they believe should be done in regard to the scenario, or other players scoring the response. Rather, *Morton* discloses questions that have definitive answers (e.g., see col. 2, lines 27-30 "The presenter will read the question, determine if the current player has given a correct answer in the allotted time. (emphasis added)"). *Morris* also discloses questions having definitive answers (e.g., see Abstract, "Players take turns

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attempting to advance along the travel path by correctly answering questions from a selection of questions and answers ... (emphasis added)".

For at least these reasons it is submitted that claim 17 is patentable over the cited references. Claims 18-27 depend from claim 17 and are therefore submitted to be patentable for at least the same reasons advanced with respect to claim 17 and for the further features recited therein. Accordingly, it is submitted that claims 17-27 are patentable over the cited references.

Independent claim 28 is directed to a method of playing a game that requires players to analyze real life situations. The method includes gathering a plurality of players and selecting an order for the plurality of players to be a player in turn. For each turn a player in turn proceeds down a path and is provided with a hypothetical real-life scenario based on their position on the path. The scenario does not have a definitive answer. The player in turn analyses the scenario and provides a response that describes what they believe should be done in response to the scenario. At least one of the other players scores the response.

It is submitted that none of the cited references disclose or suggest an embodiment such as that defined in claim 28 (e.g., providing a hypothetical real-life scenario that does not have a definitive answer, providing a response about what they believe should be done in response to the scenario, and scoring the response). For at least reasons similar to those advanced above with respect to claim 17, it is submitted that claim 28 is patentable over the cited references. Claims 29-32

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depend from claim 28 and are therefore submitted to be patentable for at least the same reasons advanced with respect to claim 28 and for the further features recited therein. Accordingly, it is submitted that claims 28-32 are patentable over the cited references.

Independent claim 33 is directed to a method of playing a game that encourages a plurality of players to interactively communicate. The method includes providing a path with a plurality of designated spaces thereon. A plurality of players traverse the path. A plurality of hypothetical situations are provided. The situations are divided into groups and at least some subset of the designated spaces correspond to the situation groups. The situations do not have specific correct answers. Players take turns being a player-in-turn, wherein the player in turn is provided with a hypothetical situation and provides a response that describes what they believe should be done in response to the scenario. At least one of the other players scores the response. The score of all players is tracked.

It is submitted that none of the cited references disclose or suggest an embodiment such as that defined in claim 33 (e.g., providing a hypothetical real-life scenario that does not have a definitive answer, providing a response about what they believe should be done in response to the scenario, and scoring the response). For at least reasons similar to those advanced above with respect to claim 17, it is submitted that claim 33 is patentable over the cited references. Claims 34-36 depend from claim 33 and are therefore submitted to be patentable for at least the same reasons advanced with respect to claim 33 and for the further features recited

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therein. Accordingly, it is submitted that claims 33-36 are patentable over the cited references.

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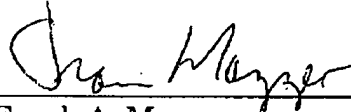
### Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 17-36 are in condition for allowance. Accordingly, early allowance of claims 17-36 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,

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